



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,057	11/16/1999	OLIVIER HERSENT	10597-0001-2	3808

7590 06/19/2003

Oblon, Spivak, McClelland, Maier & Neustadt
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

EXAMINER

CHOW, MING

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/19/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,057

Applicant(s)

HERSENT, OLIVIER

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3, 5-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroshima et al (US: 5727048).

For claim 1, regarding a network, Hiroshima et al teach on Fig. 5 a network.

Regarding “at least.....the network”, Hiroshima et al teach on items 27 and 28 Fig 5 a plurality of service suppliers. Hiroshima et al also teach on column 4 line 40-42 and item 6 Fig. 5 (same as item 2 Fig. 2) host computer (claimed “customer server”).

Regarding “a shared.....provided thereby”, Hiroshima et al teach on item 39 Fig. 5 multimedia communication center (claimed “shared resources host server”). Hiroshima et al

Art Unit: 2645

teach on column 6 line 22-25 the shared resources host server receives a request for a new merchandise information service from the multimedia terminal (reads on the claimed “users”). Hiroshima et al also teach on column 6 line 26-37 the shared resources host server returns the telephone number of the information provider capable of providing the new merchandise information service (reads on claimed “determine the service supplier”). The terminal 1 Fig. 5 dials the telephone number provided by the shared resources server (reads on claimed “direct each received service request to.....concerned service supplier”) for new service information (claimed “a respective service logic”).

Regarding claim 3, Hiroshima et al teach on column 5 line 59-65 multimedia resources (photograph, text, voice, and images) may be presented on either a FAX machine, a video display terminal or a telephone set. Therefore, it is inherent that there must be a transcoding subsystem.

Regarding claim 5, Hiroshima et al teach on item 13 Fig. 3 voice (audio) information server. The voice (audio) resources must be recorded and reproduced (played to the user terminal).

Regarding claim 6, Hiroshima et al teach on column 6 line 22-37 the shared resources server (item 39 Fig. 5) sends two phone numbers and an information request number (reads on claimed “events signaled by the shared resources server”) to the terminal.

Art Unit: 2645

Regarding claim 7, Hiroshima et al teach on column 4 line 34 the multimedia server (services supplier) runs on a host computer. Hiroshima et al also teach on item 39 Fig. 7 a network interface connecting telephone exchange (reads on “a company private network”) and another interface connecting the shared resources (item 2 Fig. 7).

Regarding claim 10, Hiroshima et al teach on item 13 Fig. 3 voice resources.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Low et al (US: 6243443).

Hiroshima et al failed to teach “a protocol stack....data streams”. However, Low et al teach a method of making available content resources (reads on claimed “shared resources”) to telephone network users. Low et al teach on Abstract – the content resources are held on internet. For data communication on Internet there must be a protocol stack subsystem. Low et al teach on column 7 line 42 to column 8 line 12 a call is established between the telephone network and a data network (claimed “receives calls from a data network at an exchange; detects incoming calls

Art Unit: 2645

and captures called party number”). A number dialed from (column 7 line 59; claimed “caller number”) is also captured. DTMF signals are detected (column 8 line 9; reads on claimed “detects dial tone”). Low et al also teach on column 10 line 24-37 content resources are converted between different formats (reads on claimed “generates coding-decoding media data streams; and receives media coding-decoding data streams”).

Regarding “a command interpreter.....customer servers”, Hiroshima et al teach on column 5 line 11-33 and item 18 Fig. 4 a user calls the communication center to login (reads on claimed “generates *login* messages on detection of new calls to each customer server”). Hiroshima et al teach on item 22 Fig. 4 an event message is generated in response to the user’s request (reads on claimed “uses the commands from the customer servers”) for transmitting text information from merchandise information unit to the multimedia terminal

It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “a protocol stack.....data streams” as taught by Low et al such that the modified system of Hiroshima et al would be able to support the command interpreter to the system users.

3. Claims 4, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al and Low et al as applied to claim 3 above, and in view of Sassin et al (US: 6449260). Hiroshima et al and Low et al failed to teach a voice synthesis and/or video resources subsystem. However, Sassin et al teach on column 3 line 18-20 a video server is compatible to receive multimedia telephone calls. It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al and Low et al to have the “a voice synthesis

Art Unit: 2645

and/or video resources subsystem” as taught by Sassin et al such that the modified system of Hiroshima et al and Low et al would be able to support the video resource subsystem to the system users.

4. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Smith et al (US: 6404876). Hiroshima et al failed to teach “the shared.....user’s station”. However, Smith et al teach on Abstract – using voice recognition for voice dialing. It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the shared.....user’s station” as taught by Smith et al such that the modified system of Hiroshima et al would be able to support the voice recognition to the system users.

5. Regarding claim 12, the rejections as stated in claim 1 and 2 apply.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al and Low et al as applied to claim 12 above, and in view of Shank et al (US: 6445776). Hiroshima et al and Low et al failed to teach “the man-machine.....synthesis resources”. However, Shank et al teach on item 220 Fig. 2 a media service (claimed “resources server”) includes voice recognition and voice synthesis resources (text-to-speech). It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al and Low et al to have the “the man-machine.....synthesis resources” as taught by Shank et al such that the

Art Unit: 2645

modified system of Hiroshima et al and Low et al would be able to support the voice recognition and voice synthesis to the system users.

Conclusion

7. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Low et al (US: 6466570) teach method of accessing service resource items that are for use in a telecommunication system.

8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Application/Control Number: 09/441,057

Page 8

Art Unit: 2645

Patent Examiner

Art Unit 2645

Ming Chow

mm

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Fan Tsang